

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 04029**, from AG Agricultural District to H-3 Highway Commercial District and R-1 Residential District, and from H-3 Highway Commercial District to R-1 Residential District, requested by the Emerald Sanitary & Improvement District #6, on property generally located at N.W. 84th Street/S.W. 84th Street and West "O" Street.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/26/04
Administrative Action: 05/26/04

RECOMMENDATION: **Approval** of the change from AG to R-1 and AG to H-3 on the north side of "O" Street (8-1: Marvin, Krieser, Larson, Sunderman, Taylor, Pearson, Carroll and Bills-Strand voting 'yes'; Carlson voting 'no'), and **denial** of the change from H-3 to R-1 on the south side of "O" Street (5-4: Krieser, Larson, Sunderman, Carroll and Bills-Strand voting 'yes'; Marvin, Carlson, Taylor and Pearson voting 'no').

FINDINGS OF FACT:

1. This is a request by the Emerald Sanitary & Improvement District, on behalf of the District and several residents, to change the zoning on 10 parcels within the unincorporated area known as Emerald, to preserve and enhance the residential uses of the area and prevent the overtaking of the residential neighborhood as commercial.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-6, concluding that this neighborhood/community appears to have reached a point where the mix of residential and commercial uses seems to have potential for conflict and is in need of stabilizing. Approval of this change of zone would preserve the current development pattern and stabilize the residential uses as well as provide more review if additional commercial is requested in the future. Future changes of residential uses to residential zoning to consolidate the edges and zoning pattern would be appropriate if this is approved.
3. The applicant's testimony is found on p.8.
4. Testimony in opposition is found on p.8-9. The applicant's response to the opposition is found on p.9-10.
5. The Planning Commission discussion is found on p.9-11.
6. On May 26, 2004, a motion to approve the applicant's request failed 4-5: Marvin Carlson, Taylor and Pearson voting 'yes'; Krieser, Larson, Sunderman, Carroll and Bills-Strand voting 'no'. (See Minutes, p. 10).
7. On May 26, 2004, the Planning Commission disagreed with the staff recommendation and voted 8-1 to recommend **approval** of the change of zone from AG to R-1 and AG to H-3 on the north side of "O" Street (Carlson dissenting), and voted 5-4 to recommend **denial** of the change from H-3 to R-1 on the south side of West "O" Street (Krieser, Larson, Sunderman, Carroll and Bills-Strand voting 'yes'; Marvin, Carlson, Taylor and Pearson voting 'no'). The majority of the Commission found that the H-3 zoning on the north side of "O" Street should be mirrored on the south side of "O" Street.
8. The request by the applicant is depicted on p.12-16. The recommendation of the Planning Commission is depicted on p.18-22.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2004\CZ.04029

DATE: June 1, 2004

DATE: June 1, 2004

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone 04029

PROPOSAL: To change the zoning on 10 parcels within the unincorporated area known as Emerald, from H -3 Commercial to R-1 Residential and from AG Agriculture to H-3 Highway Commercial and R-1 Residential.

LOCATION: Generally located at NW/SW 84th and West "O" Street.

LAND AREA: 13.37 acres, total, more or less. 5.5 acres to H-3 and 7.87 acres to R-1.

CONCLUSION: This neighborhood/community appears to have reached a point where the mix of residential and commercial uses seems to have potential for conflict and is in need of stabilizing. Approval of this change of zone would preserve the current development pattern and stabilize the residential uses as well as provide more review if additional commercial is requested in the future. Future changes of residential uses to residential zoning to consolidate the edges and zoning pattern would be appropriate if this is approved.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

From AG to H -3:

A 5.5 acre portion of Lot 54 I. T. located in the SW 1/4 of Section 23, Township 10 North, Range 5 East from AG to H - 3. Legal description attached.

From AG to R-1:

Lot 53 Irregular Tract(formerly 47) in the SW 1/4 of Section 23, T10N, R5E

From H - 3 to R - 1:

Lot 46 Irregular Tracts in the SW 1/4 of Section 23 T10N, R5E

Lots 17, 12, 13, 14 and 38, Irregular Tracts in the NW 1/4 of Section 26 T10N, R5E

Lots 11 and 12 Irregular Tracts in the NE 1/4 of Section 27, T10N, R5E

All in Lancaster County, Nebraska,

EXISTING ZONING: All H-3 Commercial except for two parcels of AG.

EXISTING LAND USE: Single family dwellings and open land.

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|--|--------------------------|
| North: | Sewage lagoon, Residential, Public, and Commercial uses | P-Public, AG Agriculture |
| South: | Residential and farm uses | AG Agriculture |
| East: | Agriculture uses | AG Agriculture |
| West: | mixed farm, commercial and residential uses | H-3 Commercial and AG |

HISTORY:

The settlement of Emerald was established in about 1884. It was zoned C Commercial zoning in the County, converted to City H-2 in 1970 when the three mile city jurisdiction included the area. Converted from H-2 to H-3 Highway Commercial zoning in 1979.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows the area as commercial (F 25), reflecting the existing zoning.

COMP PLAN SPECIFICATIONS THAT SUPPORT THIS CHANGE OF ZONE:

The **Overall Guiding Principles** for future residential planning include:

One of Lincoln's most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. (F 65)

The **Guiding Principles for Existing Neighborhoods** include:

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (F 68)

Preserve the mix of housing types in older neighborhoods. (F 68)

Promote the continued use of single-family dwellings and all types of buildings, to preserve the character of neighborhoods and to preserve portions of our past. (F 68)

Strategies for New & Existing Residential Areas

Single family homes, in particular, add opportunities for owner-occupants in older neighborhoods and should be preserved. The rich stock of existing, smaller homes found throughout established areas, provide an essential opportunity for many first-time home buyers. (F 72)

Strategies for Existing Residential Areas

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods. (F 17)

The **Guiding Principles for the Urban Environment: Residential Neighborhoods** include:

Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood. (F 18)

One **Quality of Life Asset** from the **Guiding Principles from the Comprehensive Plan Vision** states:

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. (F 15)

GUIDING PRINCIPLES FOR EXISTING COMMERCIAL CENTERS

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented.

Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.

Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.

The priority in older areas should be on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as shared parking, additional on-street parking or the removal of older commercial stores should be explored.

Encourage mixed-use commercial centers, including residential uses on upper floors and at the rear of commercial buildings.

Encourage efforts to find new uses for abandoned, under utilized or "brownfield" sites that are contaminated. Brownfield sites should be redeveloped and the environmental hazards associated with them mitigated.

Develop and maintain an ongoing citywide floor area and land-use space survey and analysis for office, service and retail commercial uses. The survey and analysis should be used to monitor growth and measure vacancy rates and to provide baseline information for decision making. (F 49)

AESTHETIC CONSIDERATIONS:

This is an area of mixed commercial and residential uses, many of the homes in the area appear to be of the same vintage, with similar architectural characteristics. This is an entryway approach to Lincoln.

ANALYSIS:

1. This is a request by the Emerald Sanitary and Improvement District, on behalf of the district and several residents. The reason for the zoning change of this area is to preserve and enhance the residential uses of the area and prevent the overtaxing of the residential neighborhood as commercial.
2. The 1979 zoning update changed the format of the ordinance to remove the pyramid zoning of the pre-1979 ordinance and removed residential uses from the H-3 district. The residential uses in the H-3 District are 'non-standard' uses under 27.61 and can be enlarged and reconstructed.
3. The applicants state that this was a residential neighborhood long before the commercial uses intruded.
4. The question of "spot zoning" might be raised with the zoning of only two or three lots in a cluster. This application reflects the historic fabric of the settlement and is only requesting

the change of zoning where the land owners are in support. Because of the pattern of lots stripping along West “O” Street, there is little or no option to achieve a better zoning pattern if more than one district were applied.

5. The zoning change from AG Agriculture to H-3 Commercial on a portion of lot 54 IT is to allow the subdivision and sale of that surplus portion from the SID lagoon field to the neighboring commercial use.
6. A review process for change of zone proposals is not defined within the Zoning Ordinance. However, Neb. Rev. Stat. §15-902 provides a list of considerations that has traditionally been utilized for such reviews.

a) Safety from fire, flood and other dangers.

No apparent impact however, the change of zone to residential may provide some protection for future residential use.

b) Promotion of the public health, safety, and general welfare.

This proposal appears to fulfill several of the policies and guidelines enumerated in the Comprehensive Plan.

c) Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development.

The housing within this proposed change of zone is primarily single-family and are reputed to predate the commercial uses that mix in.

d) Conservation of property values.

It is difficult to determine the effect a change of zoning will have on property values. However, the fact that much of the area would be zoned to reflect its use should assist in the stability of the uses and associated value.

e) Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.

The Comprehensive Plan encourages efficient use of existing infrastructure and diversity of housing choices.

7. There are several differences between R-1 and H-3 lot and area requirements. The table at the end of this report shows the requirements for residential uses in each district. It is anticipated that all the lots can meet the requirements of the R-1 Residential district.
8. The uses allowed in these districts are very different. Residential vs commercial.
9. Pursuant to LMC §27.61.090, nonstandard uses, whether existent prior to the ordinance or due to changes in the zoning, may be enlarged, extended, or reconstructed as required by law for safety, or “if such changes comply with the minimum requirements as to front yard, side yard, rear yard, height, and unobstructed open space...”

10. The proposed change is not anticipated to create any nonstandard or nonconforming uses, in fact, the existing residential uses will move from a nonstandard status to a conforming status.

11. Comparison of R-1 and H-3 lot and area requirements:

| | R-1 | H-3 |
|-------------------------------|---------------------------------------|--|
| Lot area, single family | 9,000 sq. ft. | N/A |
| Lot area, two family | 14,400 per family | N/A |
| Lot area, townhouse | N/A | N/A |
| Lot area, Commercial | N/A | 0 |
| Avg. lot width, single family | 60 feet | N/A |
| Avg. lot width, two family | 48 feet per family | N/A |
| Avg. lot width, townhouse | N/A | N/A |
| Avg. lot width, Commercial | N/A | 0 |
| Front yard, single-family | 30 feet | N/A |
| Front yard, two family | 30 feet | N/A |
| Front yard, townhouse | N/A | N/A |
| Front yard, Commercial | N/A | 30 feet |
| Side yard, single family | 10 feet | N/A |
| Side yard, two family | 20 feet (0 at common wall) | N/A |
| Side yard, commercial | N/A | 15 feet., 20' if abutting residential |
| District height | 35' | 45' |
| Rear yard | Smaller of 30 feet or 20% of depth | Smaller of 30 feet or 20% of depth |

Prepared by:

[Mike DeKalb](#),
[441-6370](#)
mdekalb@ci.lincoln.ne.us
Planner

Date: May 8, 2004

Applicant: Sanitary and Improvement District #6
Becky Vandenberg, president
8200 West "O" Street
Lincoln, NE 68528
(402) 476-3590

Contact: Becky Vandenberg
8301 West "O" Street
Lincoln, NE 68528
(402) 476-3590

CHANGE OF ZONE NO. 04029

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 26, 2004

Members present: Marvin, Krieser, Carlson, Larson, Sunderman, Taylor, Pearson, Carroll and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

Proponents

1. **Becky Vandenberg**, appeared on behalf of the applicant, **Emerald SID #6**, seeking this request to change the zoning on a parcel that the SID actually owns, known as Lot 1 on the northeast corner in Section 23-10-5. That piece of property has been owned by the SID since 1973. They have two lagoons which are both ready to work, but they have never used the second one. Thus they had an extra parcel of 5 acres. The SID had been approached by another property owner who wanted to purchase the land more than three years ago. The SID has no use for that land. The purchaser has agreed to put up a fence and work in accord with the SID as far as aesthetics, etc.

Vandenberg advised that every lot on "O" Street and 84th Street was changed to a commercial zoning in the past. Whenever Lincoln moved out and took Emerald into the three-mile, it was zoned to match the county zoning. There are many residences on this commercial property. They are not asking that all of the lots on "O" Street be changed, but the majority of the properties with residences are requesting the change.

The request includes:

Lot 12 and 11 in 27-10-5 to be changed from H-3 to R-1

Lot 47 and 46 in 23-10-5 and Lot 38, 14, 13, 12 and 17 in 26-10-5 to be changed from H-3 to R-1

Opposition

1. **JoAnn Benes**, who lives nearby on a farm at 6600 West A Street, testified in opposition. She is not in favor of changing the zoning along West "O" at Emerald. She purchased her property there with the intent of having a small antique or collectibles shop in the future. Since West "O" will be widened from the railroad bridge east (all of the property east of that is now H-3), it will be all H-3 to Emerald. She believes this application represents spot zoning. There are more businesses between Emerald and the railroad track. Why would we want to spot zone a few houses along West "O" Street? She thinks it should continue to be H-3 for added growth and use in the future. This will affect her property as well as her son's property, who has a trucking business. It will affect the setbacks. She sees this as a potential problem for any commercial property next to a residential lot. She did not receive notice of any meetings regarding this change. She was not part of this planning. The water in the town has gone from 10% nitrates to 11%. And the state law says that the maximum should be 10%. They did not receive notice of the increase in the nitrates. She has put in a filtering system. She found out about

this change of zone application through her tenants. She does not believe she is billed for her water timely. What about the people in between? She would like to eliminate the water service by the SID. She would like to see this delayed until a meeting is organized to include all property owners. At this time for tax purposes, the property is valued based on the use. She has no problem with other developments in the area, but she believes the water issue is the major issue.

Staff questions

Carroll inquired as to the purpose to change the H-3 on the south side of West "O" to R-1 when across the street is H-3. Mike DeKalb of Planning staff explained that the staff is processing this change at the request of the applicant, and that the question should be answered by the applicant. It is a very unique circumstance. As he understands the application, the intent was to gain some stability for the neighborhood, similar to downzoning in the Lincoln neighborhoods. The applicants are requesting this change for the stability of their existing patterns of land use.

Carroll wondered whether staff had considered any zoning other than R-1? DeKalb's response was that the applicant did not ask for anything else. They have requested R-1 to match the existing residential lot sizes. Other residential districts might work, but they would not be able to meet AGR provisions.

As far as the history of the zoning, DeKalb advised that all of the property was zoned C—Commercial under the county zoning back in the 1950's, which allowed both commercial and residential uses. In 1970, it changed to H-2 Highway Commercial, with both commercial and residential being allowed uses. In 1979, during the zoning update, zoning districts that allowed both commercial and residential uses were removed. Since 1979, these residences have been nonstandard uses. The applicant is attempting to stabilize what happens on their lots and the lots next door.

Pearson inquired what other uses are allowed in H-3. DeKalb explained that residential uses are not listed in H-3, but are allowed as a nonstandard use. H-3 also allows restaurants, gas stations, auto businesses, salvage, etc.

Bills-Strand inquired as to how the residential zoning impacts a lot right next door that is H-3. How is it going to now impact their setbacks? DeKalb stated that everything is the same except for the side yard abutting residential, which might change from zero to 15'. Other than that, there will be no change.

Response by the Applicant

Vandenberg clarified that this change of zone request does not include the property owned by Ms. Benes. This is not the forum to discuss anything that has to do with the water or the business of the SID. If Ms. Benes has problems with the water bill, she needs to contact the SID clerk. The water problem is nothing new. It has been around for a lot of years. The nitrate level is high because the wells were sunk on an open range chicken farm. Ms. Benes' son's business is in the back yard of another residential property. The owners of the residences included in this application did not know they were zoned commercial until this year. They were appalled to know they would not be able to rebuild if their homes were destroyed. The applicant is willing to grandfather any business that is already there. Ms. Benes does not live in Emerald. That is her rental property. The SID is in the

process of looking for another well site. Every property that is included in this change of zone request has been spoken with and each property owner is well aware of this change of zone request. We should be recognized as residents of Emerald and have the same ability as anyone else in a residential area.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carlson moved approval, seconded by Taylor.

Marvin stated that he will support the staff recommendation. The city has tried to make the best thing out of something that isn't perfect and we're trying to accommodate homeowners and business owners. While he does not think this is perfect, he thinks it is the best that can be done.

Bills-Strand stated that she does not like to see different zones next to each other. However, she will support it since none of the owners of the properties in between are here in opposition.

Carroll stated that he will vote against the motion. He supports the AG change, but he believes the H-3 across the street on the north side of West "O" should be mirrored. This is spot zoning those small lots on the south side and inflicting new specifications on the commercial property owners with residential right next door. R-1 makes requirements that are necessary for that area. He does not believe the change is necessary for the residential properties.

Taylor stated that he is in favor because it is more of a problem for the residential property owners. Bills-Strand indicated that she could support the AG, but not the H-3 because there are businesses that abut the property line and it will impact their ability to rebuild.

Larson has no problem with the change north of "O" Street, but changing the zoning on the south side doesn't make any sense. It's just a hodge-podge. It should mirror what is across the street, which is H-3.

Pearson understands that a lot of the people didn't know that the zoning was changed in the past. If this change is made, they can't rebuild. It is just fair to let them stay the way they are. They don't want to make anyone else residential. They just want to be allowed to build their house if it burns down.

Carlson stated that he made the motion because he thinks that the existing use should be prioritized over the speculative use or theoretical use. It is more important to have zoning that protects the existing owner of the property and existing use pattern. He does not think there is much of a conflict here. But given the choice, the existing land use should be respected over what a speculative purchase might allow. The protection it offers the existing property owner is more important than the change in the setback.

Motion to approve failed 4-5: Marvin, Carlson, Taylor and Pearson voting 'yes'; Krieser, Larson, Sunderman, Carroll and Bills-Strand voting 'no'.

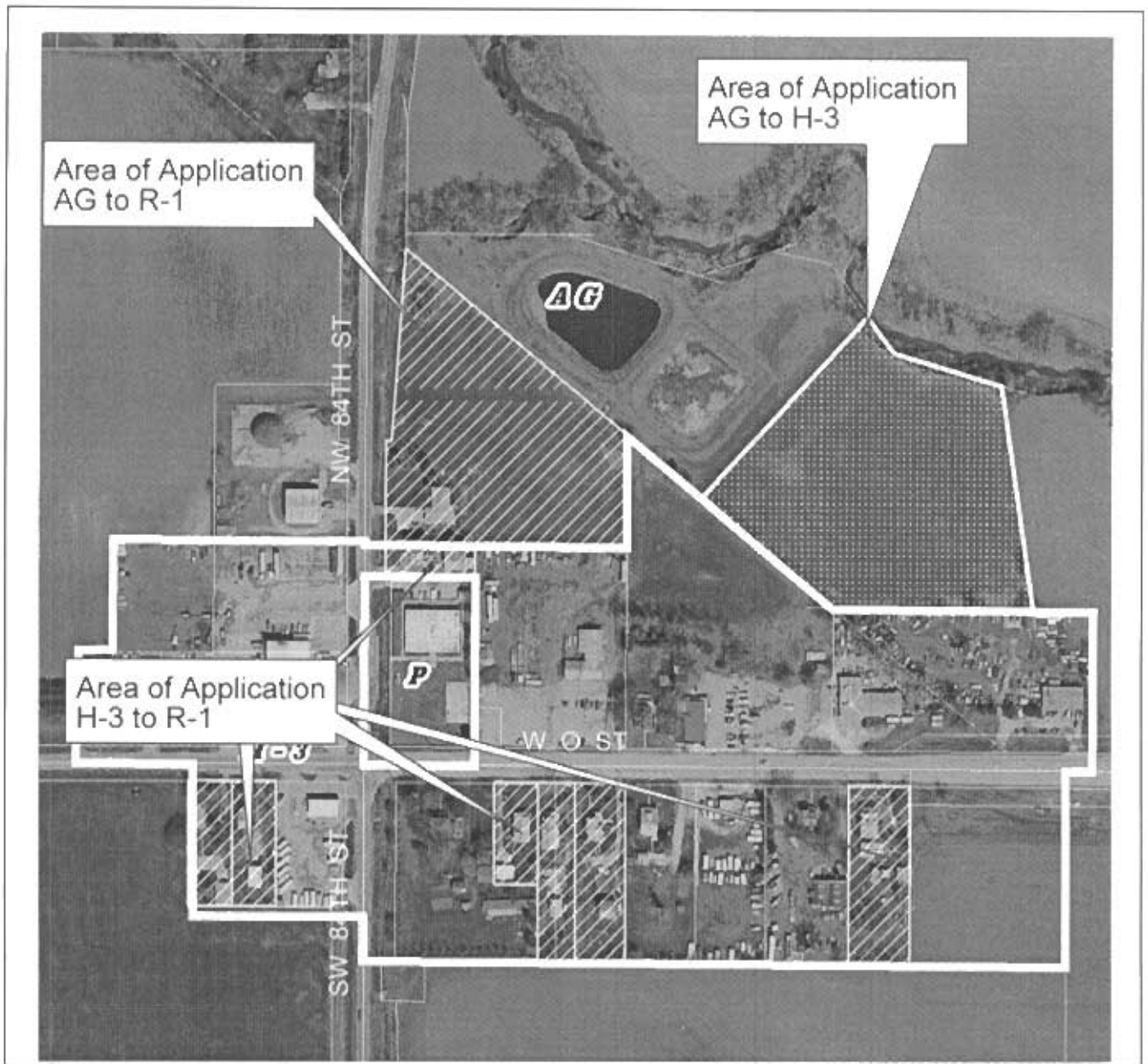
Rick Peo of the City Law Department advised the Commission that nonstandard uses can be rebuilt. They only have to comply with the minimum requirements as to front yard, side yard, rear yard, height

and unobstructed open space of the district in which they are located. Peo believes that the H-3 and R-1 district requirements are basically identical. He does not see any provision that would prohibit these residences from being rebuilt even if the property remains H-3. The only thing it does is to put some stability to the residential uses, but he does not believe it affects the right to rebuild.

Carroll moved to approve the change of AG to R-1 and AG to H-3 on the north side of West "O" Street, seconded by Larson and carried 8-1: Marvin, Krieser, Larson, Sunderman, Taylor, Pearson, Carroll and Bills-Strand voting 'yes'; Carlson voting 'no'.

Carroll moved to deny the change from H-3 to R-1 on the south side of West "O" Street, seconded by Larson and carried 5-4: Krieser, Larson, Sunderman, Carroll and Bills-Strand voting 'yes'; Marvin, Carlson, Taylor and Pearson voting 'no'.

This is a recommendation to the City Council.



2002 aerial

Change of Zone #04029 SID #6

Applicant's request

W. 82nd and W 'O' St.

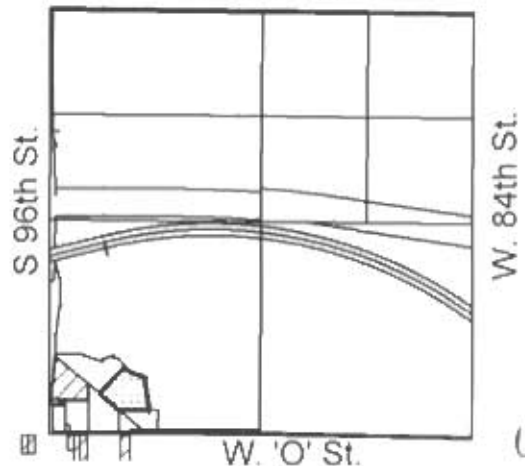
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 23 T10N R5E



W. Holdrege St.



012

Planning Department

**We're asking for the change from AG to H3 on the SID parcel
to accommodate county zoning regulations.**

**The parcel once known as LOT 1 located in the SW quarter of SEC. 23-10-5
has been divided allowing a 5.05 acre parcel, now known as LOT 2,
to be sold to and adjoin LOT 32 which borders LOT 1 on the southwest.**

**The SID has owned the property since 1973 and has never used it.
The owner of LOT 32 expressed an interest in the property, agreed to
fence the property and use it in a manner that is conducive to
SID/Area improvements aesthetic and otherwise.**

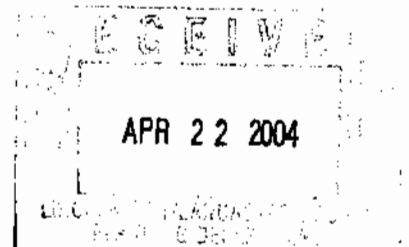
**The residents of Emerald are asking to change the current zoning for the residential
properties from H3 Commercial to R1 residential.**

We live here, this is our HOME! Some of us have always lived here.

I (owner of LOTS 13 & 14) have lived in this house for more than twenty years.

**We want the ability to rebuild if, God forbid, our homes should be
happen to be destroyed. Due to the fact that the homes were here before
the majority of business's we are left wondering why we are in need of defending
our residential properties and not have been given the opportunity to
already have done so. We just became aware of this issue this past fiscal year,
and believe it necessary to protect ourselves.**

**We are asking the City Planning Department to grant us
this rezoning request.**



A-3 to R-1

In addition we would like to change zoning from H3 commercial to R-1 Residential on the following lots all of which are contained within the SID Boundaries and meet the City/County zoning requirements:

LOTS #

12

11

in SEC 27 T10 R5

47 ~~47~~ *AG to R-1*

46

in SEC 23 T10 R5

38

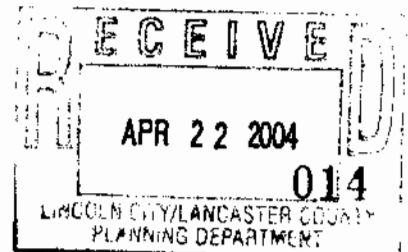
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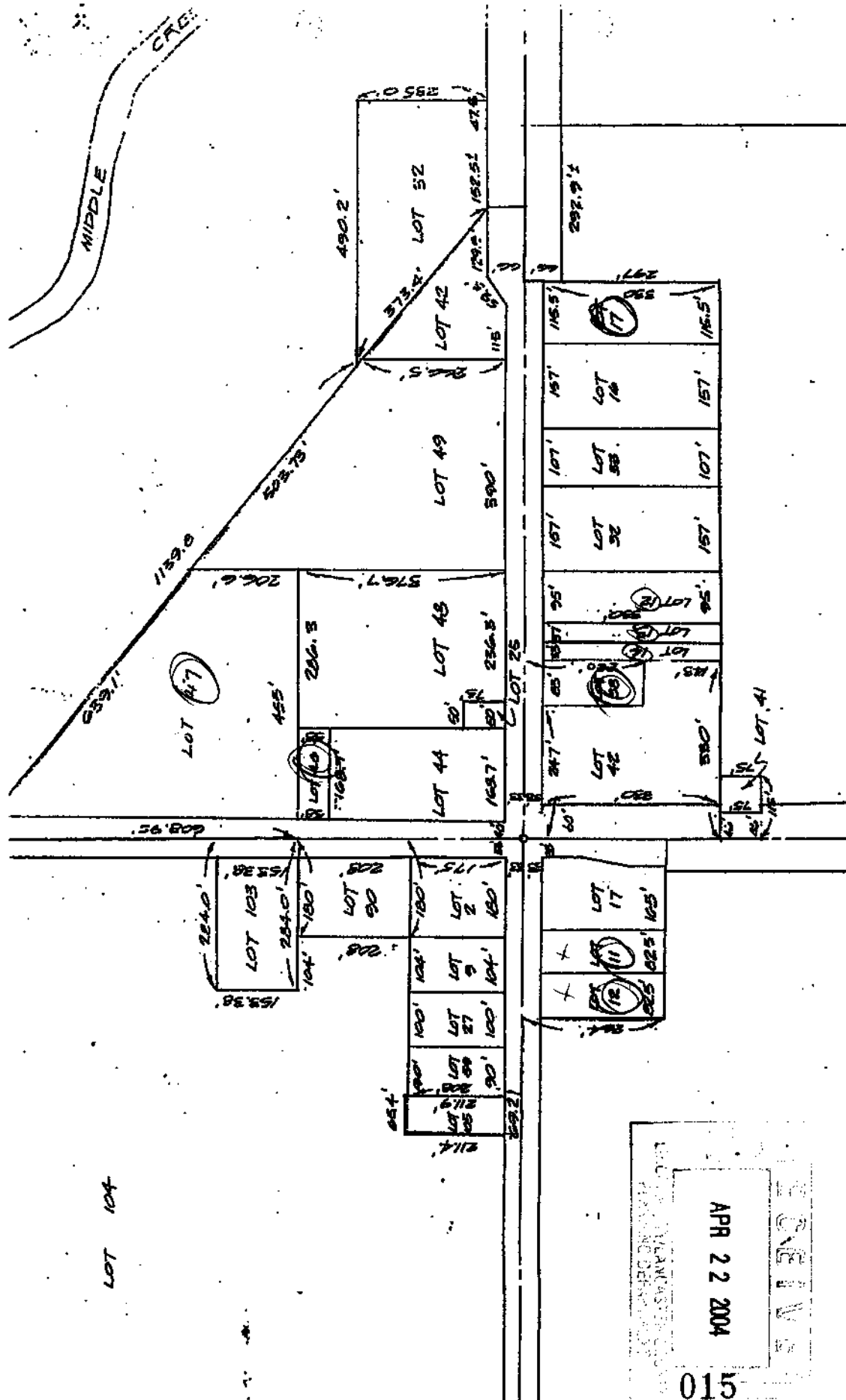
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12

17

in SEC 26 T10 R5





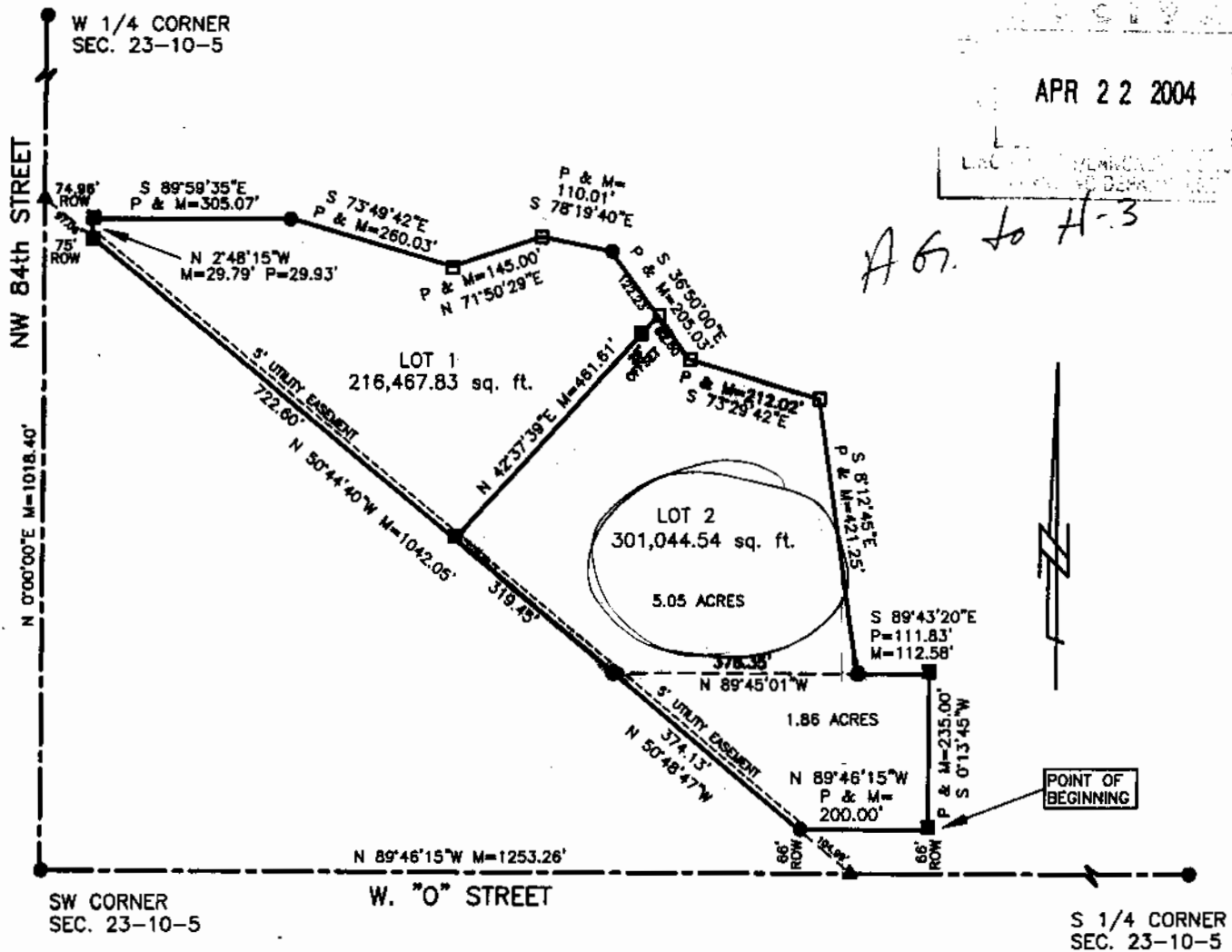
for Change of
Zone.

C2.

AG to H-3

THAT PART OF LOT 54 IRREGULAR TRACT, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 5 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

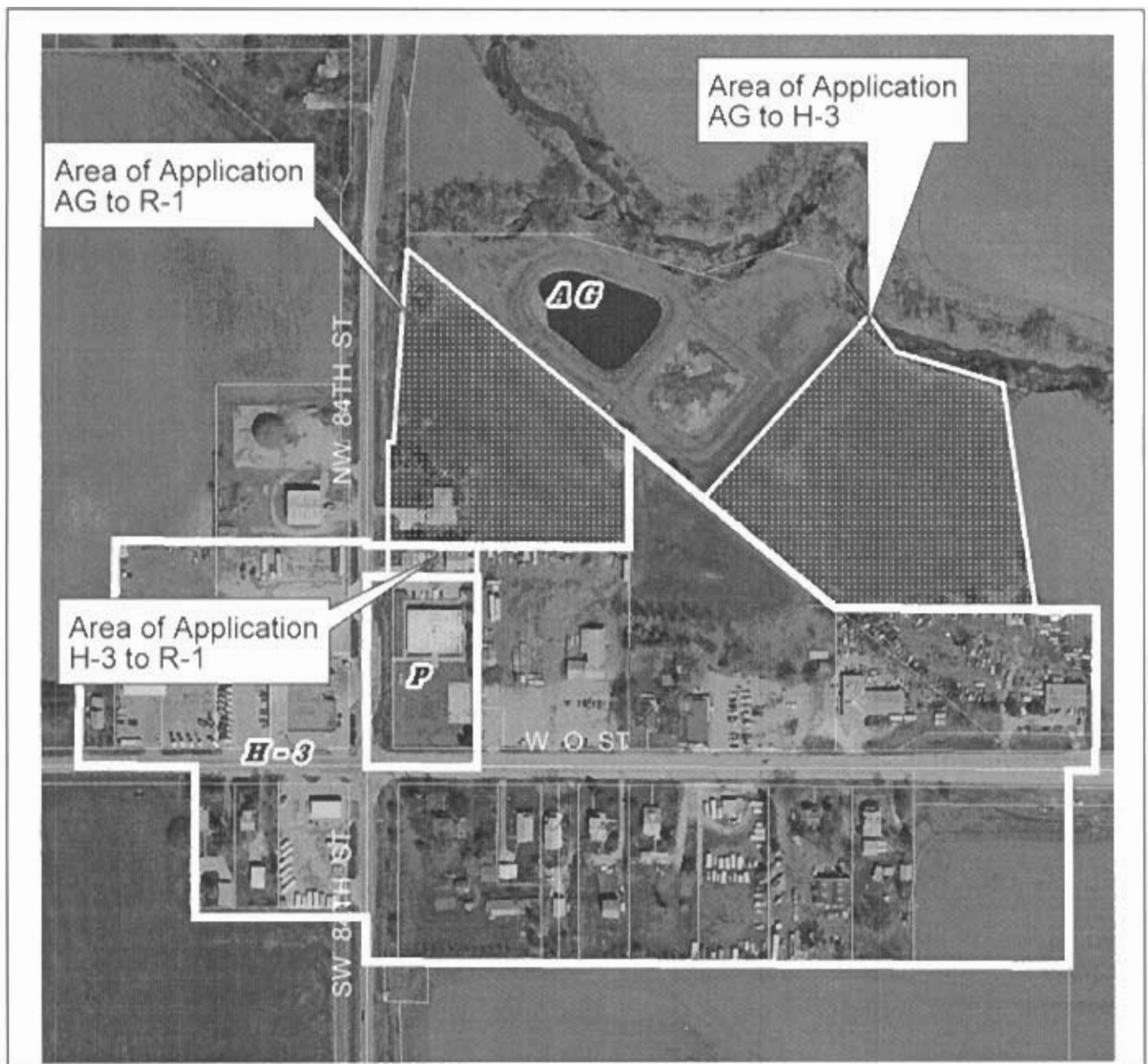
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 54; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 54, ON AN ASSIGNED BEARING OF N 89°45'01"W A DISTANCE OF 378.35', TO THE SOUTHWEST OF SAID LOT 54, SAID POINT BEING THE NORTHWEST CORNER OF LOT 32 IRREGULAR TRACT IN SAID SOUTHWEST QUARTER; THENCE NORTHWESTERLY, N 50°44'40"W 319.45'; THENCE NORTHEASTERLY, N 42°37'39"E 461.61', TO A POINT ON THE NORTHERLY LINE OF SAID LOT 54; THENCE ON THE NORTH LINE OF SAID LOT 54, FOR THE NEXT TWO (2) COURSES, SOUTHEASTERLY, S 36°50'00"E 82.80'; THENCE EASTERLY, S 73°29'42"E 212.02', TO THE NORTHEAST CORNER OF SAID LOT 54; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 54, S 8°12'45"E 421.25', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 5.05 ACRES, MORE OR LESS.



Memorandum

| | |
|-----------------|---|
| To: | Mike DeKalb, Planning Dept. |
| From: | Bruce Briney, Public Works and Utilities |
| Subject: | Change of Zone #04029, 8200 West 'O' Street |
| Date: | May 10, 2004 |
| cc: | Randy Hoskins |
| | |

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Change of Zone #04029 for 8200 West 'O' Street. The intent of the requested change of zone from H-3 Commercial to R-1 Residential is to preserve the existing residential character of the properties. Public Works has no objection to this application.



2002 aerial

Change of Zone #04029

SID #6

W. 82nd and W 'O' St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
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- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 23 T10N R5E



City Limit Jurisdiction

Planning Commission's recommendation
W. Holdrege St.



H-3 to R-1

In addition we would like to change zoning from H3 commercial to R-1 Residential on the following lots all of which are contained within the SID Boundaries and meet the City/County zoning requirements:

PC Denial [LOTS #
12
11

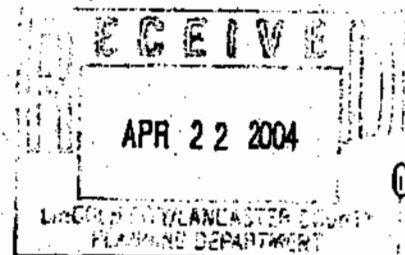
in SEC 27 T10 R5

PC Approval [47 — AG to R-1
46

in SEC 23 T10 R5

PC Denial [38
14
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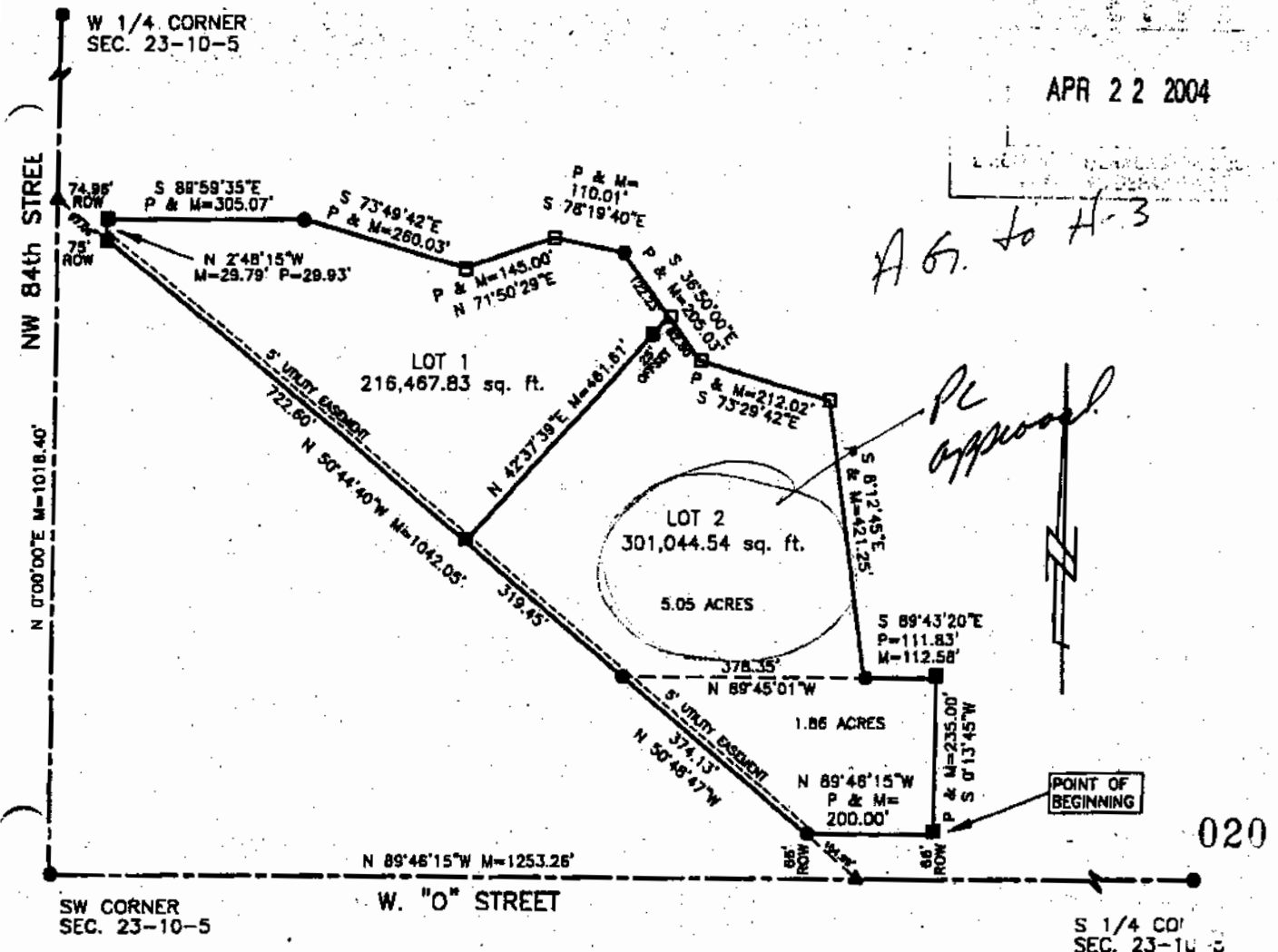
in SEC 26 T10 R5

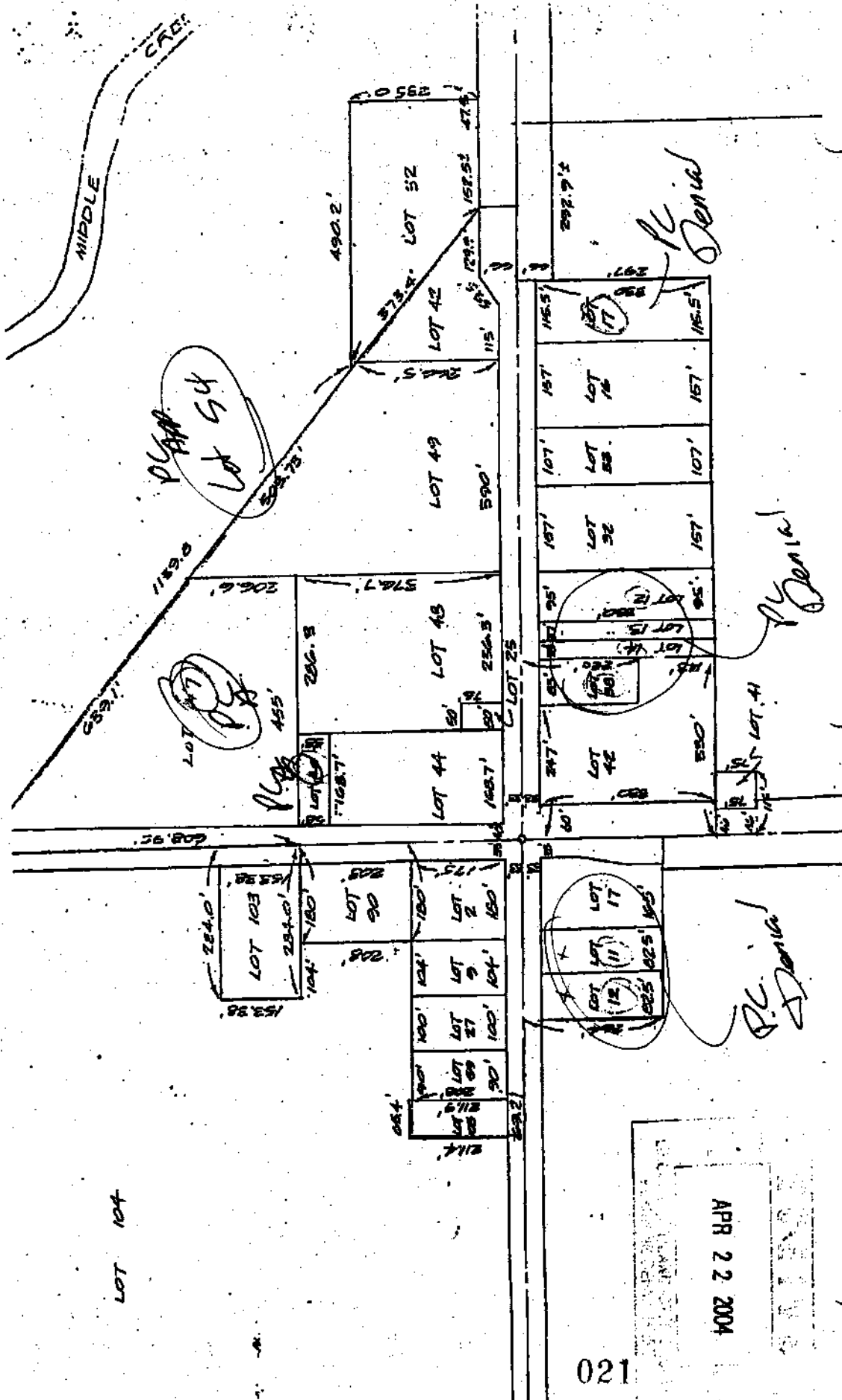


C2

AG to H-3

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 54; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 54, ON AN ASSIGNED BEARING OF N 89°45'01"W A DISTANCE OF 378.35', TO THE SOUTHWEST OF SAID LOT 54, SAID POINT BEING THE NORTHWEST CORNER OF LOT 32 IRREGULAR TRACT IN SAID SOUTHEAST QUARTER; THENCE NORTHWESTERLY, N 50°44'40"W 319.45'; THENCE NORTHEASTERLY, N 42°37'39"E 461.61', TO A POINT ON THE NORTHERLY LINE OF SAID LOT 54; THENCE ON THE NORTH LINE OF SAID LOT 54, FOR THE NEXT TWO (2) COURSES, SOUTHEASTERLY, S 36°50'00"E 82.80'; THENCE EASTERLY, S 73°29'42"E 212.02', TO THE NORTHEAST CORNER OF SAID LOT 54; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 54, S 8°12'45"E 421.25', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 5.05 ACRES--MORE OR LESS.





APR 22 2004

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone 04029

PROPOSAL: To change the zoning on 10 parcels within the unincorporated area known as Emerald, from H-3 Commercial to R-1 Residential and from AG Agriculture to H-3 Highway Commercial and R-1 Residential.

LOCATION: Generally located at NW/SW 84th and West "O" Street.

LAND AREA: 13.37 acres, total, more or less. 5.5 acres to H-3 and 7.87 acres to R-1.

CONCLUSION: This neighborhood/community appears to have reached a point where the mix of residential and commercial uses seems to have potential for conflict and is in need of stabilizing. Approval of this change of zone would preserve the current development pattern and stabilize the residential uses as well as provide more review if additional commercial is requested in the future. Future changes of residential uses to residential zoning to consolidate the edges and zoning pattern would be appropriate if this is approved.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

From AG to H-3:

PC approval

A 5.5 acre portion of Lot 54 I. T. located in the SW 1/4 of Section 23, Township 10 North, Range 5 East from AG to H - 3. Legal description attached.

From AG to R-1:

PC approval

Lot 53 Irregular Tract(formerly 47) in the SW 1/4 of Section 23, T10N, R5E

From H - 3 to R - 1:

Lot 46 Irregular Tracts in the SW 1/4 of Section 23 T10N, R5E

PC approval

Lots 17, 12, 13, 14 and 38, Irregular Tracts in the NW 1/4 of Section 26 T10N, R5E

Lots 11 and 12 Irregular Tracts in the NE 1/4 of Section 27, T10N, R5E

PC Denial

All in Lancaster County, Nebraska,